

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicants: Aust et al. : Group Art Unit: 2631
Serial No.: 10/014,455 : Examiner: Unassigned
Filed: December 14, 2001 :
For: DYNAMIC MEASUREMENT OF COMMUNICATION CHANNEL
CHARACTERISTICS USING DIRECT SEQUENCE SPREAD SPECTRUM (DSSS)
SYSTEMS, METHODS AND PROGRAM PRODUCTS

ATTN: OFFICIAL DRAFTSPERSON
Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR APPROVAL OF SUBSTITUTE DRAWINGS

Sir:


In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - Filed Under 37 CFR 1.53(b), mailed January 10, 2002 in the above-identified application, Applicants submit herewith substitute Figs. 1-5, six sheets of informal drawings, for the above designated application. No new matter has been introduced.

Applicants believe that no fee is due with this submission. However, in the event that a fee is found to be due, the Commissioner is authorized to charge such fee(s) to IBM Deposit Account No. 50-0563, Order No. SOM920010021/1963-7418. A DUPLICATE COPY OF THIS PAPER IS ATTACHED HERETO.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Date: February 25, 2002

By:


John E. Hoel
Registration No.: 26,279
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

CORRESPONDENCE ADDRESS:
Morgan & Finnegan, L.L.P.
345 Park Avenue
New York, New York 10154

Section

Attorney Docket No.: RAL920010021US1/1963-7418

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RESPONSE TO "NOTICE TO FILE MISSING PARTS"

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the NOTICE TO FILE MISSING PARTS OF APPLICATION--FILING
DATE GRANTED dated January 10, 2002, Applicant(s) submit(s) herewith the following
documents for appropriate action by the U.S. Patent and Trademark Office:

- ☒ Copy of Notice to File Missing Parts;
- ☒ Executed Declaration (2 pages);
- ☒ Copy of page 20 of the application; and
- ☒ Request for Approval of Substitute Drawings w/Figs. 1-5 attached.

- ☒ Please charge the requisite fee to to Deposit Account No. 50-0563, Order No. RAL920010021US1.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment to Deposit Account No. 50-0563, Order No. RAL920010021US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 25, 2002

By: _____

John E. Hoel
Registration No. 26,279
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

CORRESPONDENCE ADDRESS:

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/014,455	12/14/2001	Carrie E. Aust	RAL920010021US1/1963-7418

CONFIRMATION NO. 1084

FORMALITIES LETTER



OC000000007295143

Joseph C. Redmond, Jr.
Morgan & Finnegan, L.L.P.
345 Park Avenue
New York, NY 10154-0053

Date Mailed: 01/10/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

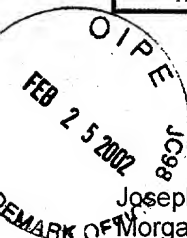
The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been **omitted** from the application:

- Page(s) **20** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.



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10/014,455
12/14/2001
Carrie E. Aust
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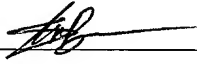
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II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE